



GEANT CODE OF CONDUCT 2.0 WORKSHOP

22 February 2017

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Agenda of the Workshop

- Presentation
- GDPR in 22 questions
- Code of Conduct 2.0



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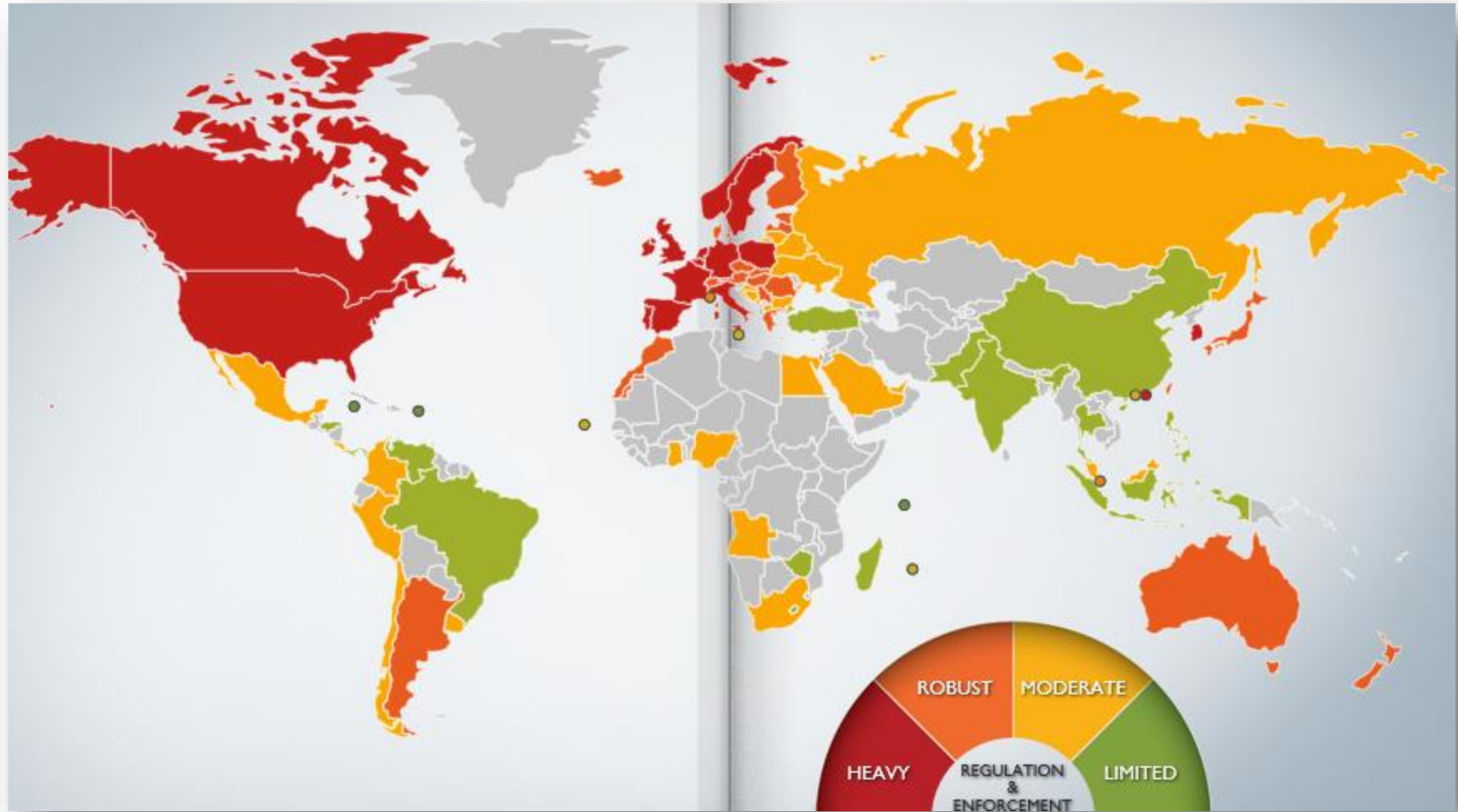
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Current status



Visit www.dlapiperdataprotection.com for our Data Protection Laws of the World Handbook which covers nearly 100 jurisdictions.



Understanding key requirements of the GDPR

1

Do I really process
personal data?

Do I really process personal data?

1. **Material scope:** This Regulation applies to the processing of personal data wholly or partly by automated means and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.
2. **Personal data:** any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an **identifier such as a name**, an identification number, **location data**, **an online identifier** or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Attributes = Personal data



2

Do I really need to apply these EU rules?

Do I really need to apply these EU rules? **YES!**

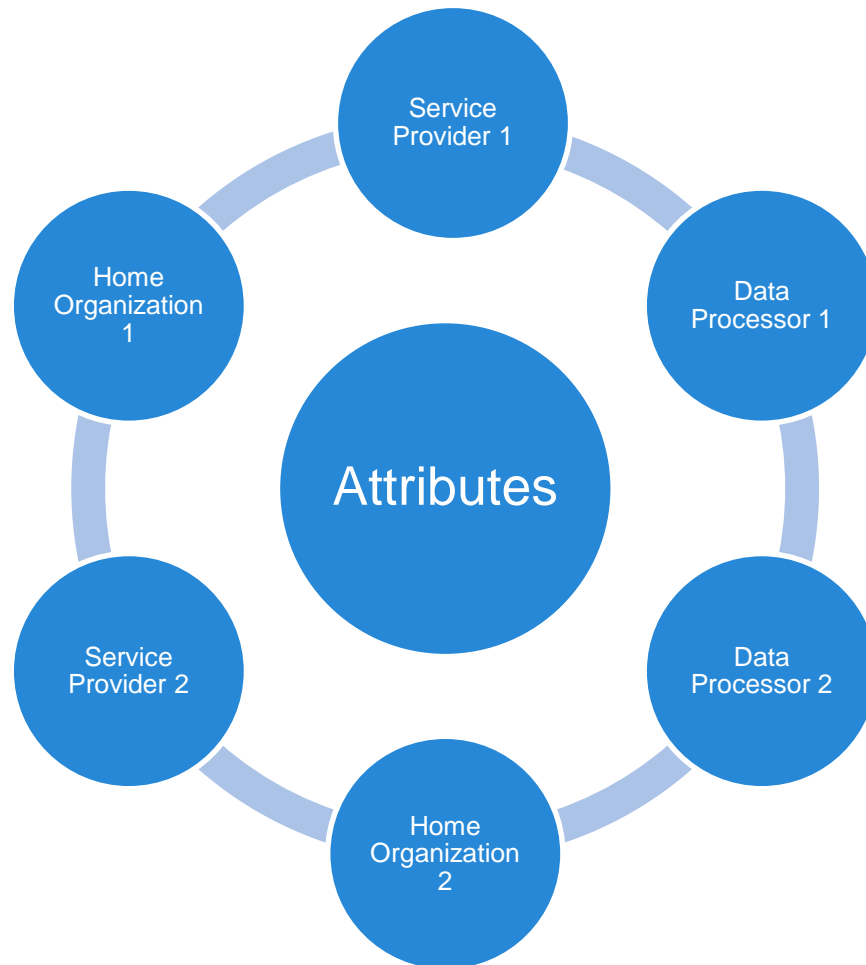
1. This Regulation applies to the processing of personal data in the context of the activities of an establishment of a controller or a processor in the Union, regardless of whether the processing takes place in the Union or not.
2. This Regulation applies to the processing of personal data of data subjects who are in the Union by a controller or processor not established in the Union, where the processing activities are related to:
 - a) the offering of goods or services, irrespective of whether a payment of the data subject is required, to such data subjects in the Union; or
 - b) the monitoring of their behaviour as far as their behaviour takes place within the Union.



3

What is my role in this?

Roles

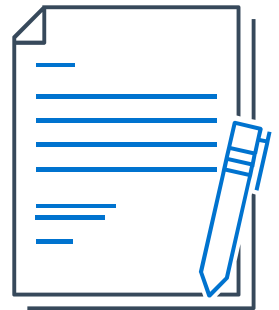


4

Do I need to prove I am
doing what is necessary?

Accountability Principle

- Implement **appropriate technical and organisational measures** to ensure and be able to demonstrate that the processing of personal data is performed in compliance with this Regulation
 - These measures shall be reviewed and **updated** where necessary
 - Shall include the implementation of appropriate data protection **policies**
 - Adherence to codes of conduct or approved certification mechanism may be used as an element to **demonstrate** compliance



5

Who will control me?

Who will control me?

Data Protection Authorities (supervisory authorities)

- One or more per country
- Independent
- Public authority
- Qualified experts
- Lead Supervisory Authority

Tasks

- Promote, inform, advise, standardize, authorise
- Investigate, handle complaints, sanction
- Cooperate internationally

Powers

- Investigative powers
- Issue warnings, reprimands,
- order to comply, order to suspend, impose fines

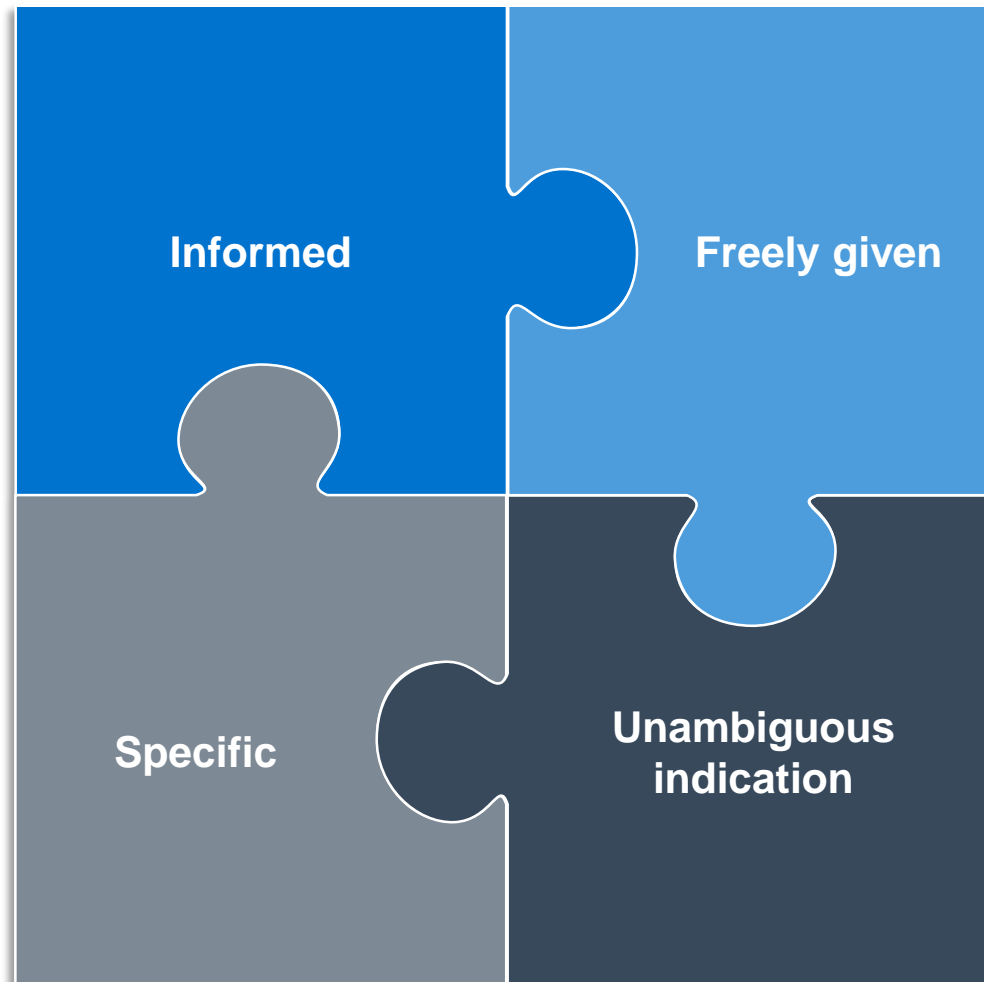
6

Do I always need
consent?

7

Will implied consent be sufficient?

Consent: Four principles



8

Are some data more sensitive than others?

Are certain data more sensitive than others?

- **"Special categories of data"**
 - data revealing an individual's racial or ethnic origin, religious or philosophical beliefs, political convictions, trade union membership, sexual orientation
 - health related data
- **Criminal data**
- **National identification number**
- prohibited, unless a specific legal basis is in place
 - GDPR: Margin of manoeuvre for Member States: additional exemptions may be created



9

Can I use the data for whatever purpose?

10

Do I need to disclose
what I will be using the
data for?

1 1

Can I keep the data as long as I want?

1 2

Can I collect as much data as I want?

13

Do I need to worry about securing the data?

14

Data has been stolen!
What now?

15

Can somebody ask to have their data corrected?

16

Can somebody claim
back their data?

17

Should I measure the privacy impact of my projects?

18

Do I need to document my compliance efforts?

19

Can I share data with other parties?

20

Can I outsource some of my data processing activities?

21

Can I store the data
wherever I want?

22

Can I work together with my industry peers on best practices?



CODE OF CONDUCT 2.0

Ready for the GDPR

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1

Why do we need a GDPR version of the Code of Conduct

Why do we need a GDPR version of the Code of Conduct?

- New rules = New tools !
- Three main reasons
 1. To comply with new legal requirements
 2. To facilitate cross-border transfers of Attributes
 3. To enhance transparency

2

Which are the main changes?

3

What about transferring attributes to other countries?

4

The principles of the processing of the Attributes in the GDPR version of the Code of Conduct

5

Appendix